

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

DAVID LEE BECK

§
§
§
§
§

Case No. 4:06cr34
(Judge Crone)

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on December 5, 2013, to determine whether Defendant violated his supervised release.

On October 20, 2006, Defendant was sentenced by the Honorable Michael Schneider to seventy-four (74) months' custody followed by five (5) years of supervised release for the offense of Conspiracy to Manufacture, Distribute, or Possess with Intent to Manufacture, Distribute, or Dispense Cocaine Base. On July 12, 2010, Defendant completed his period of imprisonment and began service of his supervised term.

On May 7, 2013, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following standard condition: the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.

The petition alleges that Defendant committed the following acts: (1) On March 30, 2012, April 7, 2012, April 18, 2012, May 17, 2012, and February 27, 2013, Defendant tested positive for marijuana; and (2) on March 19, 2013, April 15, 2013, and April 22, 2013, Defendant tested positive

for cocaine and marijuana.

Prior to the Government putting on its case, Defendant entered a plea of true to the violation. The Court recommends that Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eight (8) months with no supervised release to follow.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 5th day of December, 2013.



AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE